

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM AUBREY PELZER, JR.
Secured Party Creditor, UCC
3-419, House Joint Resolution 192
of June 5, 1933,

Petitioner,

-against-

MEMORANDUM & ORDER
05-CV-4651(JS)(MLO)

GARY GREENE, and THE ATTORNEY
GENERAL OF NEW YORK STATE,

Respondents.

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APPEARANCES:

For Petitioner: William Aubrey Pelzer, Pro Se
03-A-3518
Great Meadow Correctional Facility,
Box 51
Comstock, New York 12821

For Respondent: No appearance

SEYBERT, District Judge:

On December 1, 2005, this Court issued an Order ("December Order") dismissing Pro Se Petitioner William Aubrey Pelzer, Jr.'s ("Petitioner") Petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Petition was dismissed pursuant to Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts ("Rule 4"). Rule 4 requires a district court to examine and dismiss frivolous habeas Petitions prior to requiring a return from the Respondent. See Rule 4, Adv. Comm. Note (1976) ("it is the duty of the [habeas] court to screen out frivolous applications and eliminate the burden that would be placed on the respondent by ordering an unnecessary answer."); see also Acosta v.

Artuz, 221 F.3d 117, 123 (2d Cir. 2000). The Petition was dismissed because it was incomprehensible. The Court refers the Parties to the December Order for a brief recitation of some of Petitioner's claims.

In the December Order, the Court granted Petitioner leave to amend the Petition. The Amended Petition, however, is equally incomprehensible. For example, the Amended Petition includes the following grounds for challenging the state court conviction: (1) "One living sentient, free will, natural man known as William Aubrey Pelzer©, hereinafter "One" acting with rights granted by life;" and (2) "Declaration of the International Rights and Duties of the Individual," specifically "the right to live under a system of free enterprise."

The Court, therefore DISMISSES the Amended Petition for failing to comply with Rule 4. The Clerk of the Court is directed to mark this matter as CLOSED.

SO ORDERED

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
March 14, 2006